

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEAN ERVIN PHILLIPS,

Plaintiff,

v.

BETH RENEE RIETEMA, et al.,

Defendants.

CASE NO. C16-5000 BHS

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION

This matter comes before the Court on Plaintiff Dean Ervin Phillips's ("Phillips") motion for extended time to amend complaint, motion for relief from order of dismissal of defendants, and motion for oral argument (Dkt. 87).

On April 20, 2016, the Court granted multiple dispositive motions filed by numerous defendants, granted Phillips leave to amend his complaint against Defendant Kimberly Reid ("Reid"), and dismissed his claims against the majority of the named defendants. Dkt. 86. On April 26, 2016, Phillips filed the instant motion requesting various types of relief. Dkt. 87. Defendants responded. Dkts. 90, 91, 92.

With regard to the request for an extension of time, "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time" Fed. R. Civ. P. 6(b)(1). Phillips asserts that he needs more than nine days to amend his claims against Reid.

1 Dkt. 87 at 6. Although this is arguably not good cause, there is no harm in giving Phillips an
2 additional week to file an amended complaint. As of the date of this order, he has had over six
3 weeks to amend these claims, and the Court finds that only a short extension is warranted.
4 Therefore, the Court grants Phillips's motion on this issue and Phillips may file an amended
5 complaint against Reid no later than June 24, 2016. Failure to file a complaint or otherwise
6 respond by the deadline will result in dismissal of his claims against Reid.

7 With regard to Phillips's request for oral argument, "[u]nless otherwise ordered by the
8 court, all motions will be decided by the court without oral argument." Local Rules, W.D. Wash.
9 LCR 7(b)(4). Contrary to Phillips's position, the Court found that the issues could be decided
10 without oral argument. Moreover, the Court's order sufficiently sets forth the reasons for its
11 conclusions, and there is no reason to deliver those reasons in person orally. Therefore, the
12 Court denies Phillips's motion on this issue.

13 Finally, Phillips requests relief from the Court's order. "On motion and just terms, the
14 court may relieve a party or its legal representative from a final judgment, order, or proceeding
15 for . . . mistake, inadvertence, surprise, or excusable neglect" Fed. R. Civ. P. 60(b)(1).
16 Phillips has failed to show any mistake, inadvertence, surprise, or excusable neglect because
17 Phillips simply disagrees with the Court's conclusions. Disagreement is an insufficient reason to
18 grant relief from the Court's order, and Phillips has a right to appeal the Court's ruling.
19 Therefore, the Court **DENIES** Phillips's motion on this issue.

20 **IT IS SO ORDERED.**

21 Dated this 17th day of June, 2016.

22 

BENJAMIN H. SETTLE
United States District Judge